

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

United Pumping Services, Inc
14016 East Valley Boulevard, City of
Industry, CA 91746

ID No. CAD072953771

Respondent.

Docket HWCA 2006-1162

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and United Pumping Services, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent is a hazardous waste transporter whose principal place of business is 14016 East Valley Boulevard, City of Industry, California 91746 (Site).

1.3. Inspection. The Department inspected the Site on November 10, and 14, 2005.

1.4. Authorization Status. The Department has authorized the Respondent to transport hazardous wastes at the Site under Hazardous Waste Transporter Permit No 63.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations

alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 22, section 66263.20, in that between 7/21/05 and 10/07/05, United Pumping transported approximately 258 loads of hazardous waste without using hazardous waste manifest required by section 66262.21.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66262.20, in that on or about November 10, 2005, Respondent accepted hazardous waste for transportation that was accompanied by manifest with an incorrect generator EPAID number. Manifest accompanying hazardous waste generated from non-emergency tasks conducted by United Pumping Services contained Orange County emergency response EPAID numbers as the EPA numbers on the manifests.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. The manifests that are the subject of the violation described at paragraph 2.1.1 above, were brought to the attention of the Department by Respondent.

3.1.2. Respondent has paid all manifest correction fees associated with the above described violations.

3.2. Effective immediately, Respondent shall not transport hazardous wastes

except on a properly issued and completed hazardous waste manifest.

3.3. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.8. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total penalty of \$5,000.

5.2. Payment of the total penalty specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal
Supervising Hazardous Substances Scientist
Statewide Compliance Division
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 2/21/07

Original signed by Eduardo C. Perry
BY: United Pumping Services, Inc.
Respondent

Dated: 3/19/07

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control